

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

Timothy Holmes Jr

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

1:21-cv-02307

Case No: _____
(To be supplied by the Clerk of this Court)

Officers Ocampo
(Badge # 18437) and
officer Mekshi (Badge
7594)

**Judge Steven C. Seeger
Magistrate Judge Jeffrey Cole
PC3**

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

- ☒ **COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983**
U.S. Code (state, county, or municipal defendants)
- ☐ **COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE**
28 SECTION 1331 U.S. Code (federal defendants)
- ☐ **OTHER** (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

I. Plaintiff(s):

- A. Name: Timothy Holmes
- B. List all aliases: _____
- C. Prisoner identification number: ~~20200823046~~ 20200823046
- D. Place of present confinement: Cook county jail
- E. Address: 2750 S. California ave

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Officer Ocampo - Badge # 18437
 Title: Police officer
 Place of Employment: Chicago police department
- B. Defendant: Officer Mekshi - Badge # 7594
 Title: Police officer
 Place of Employment: Chicago police department
- C. Defendant: _____
 Title: _____
 Place of Employment: _____

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

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III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: Holmes v. Matthew McDonough
& Thomas Mason
- B. Approximate date of filing lawsuit: _____
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: _____

- D. List all defendants: M. McDonough & T. Mason

- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Northern district of Illinois Eastern Division
- F. Name of judge to whom case was assigned: _____

- G. Basic claim made: Violation of fourth amendment right

- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Dismissed

- I. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

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IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

On 08-23-2020 Timothy Holmes was on his way to get a pack of cigarettes. He was driving west-bound on Jackson Blvd in Chicago, Illinois. Holmes pulled over to exit his vehicle, but before he could get out Chicago police officer's Mekshi (Star #7594) and officer Ocampo (Star #18437) pulled along the back end of the driver's side of Mr. Holmes's vehicle and turned on their flashing lights. The officers got out of their vehicle and approached Mr. Holmes from both side of his vehicle. Officer Mekshi (Star #7594) was on the driver's side of the vehicle Mr. Holmes was driving and asked to see Mr. Holmes's driver's license & registration. Mr. Holmes gave them the documents in question, his license was run for validation and returned along with the registration for the vehicle. The officer still wouldn't let Mr. Holmes go and insisted him exiting the vehicle. Mr. Holmes obeyed their commands and got out the car. Officer Ocampo (Star #18437)

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Search the vehicle Mr. Holmes occupied and recovered a weapon. Mr. Holmes was arrested.

The defendants performed a de facto seizure of Holmes when they activated their flashing lights, approached both sides of his vehicle, and insisted he exit the vehicle in order to search it.

Defendants did not see Mr. Holmes commit any crime or suspect Holmes of having committed any crime prior to discovery of the weapon following the search. Defendants did not have probable cause for their seizure of Holmes and therefore conducted an unreasonable warrantless seizure of Holmes in violation of his rights under U.S. Const., Amend. IV.

The search of Holmes vehicle by defendants was a unreasonable warrantless search in violation of the U.S. Constitution Amend IV. The fact alleged above also constitute the Illinois State law towards torts of intentional infliction of emotional distress, false arrest, false imprisonment and trespass by defendants.

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V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Plaintiff prays this court for punitive, compensatory, general and nominal damages. In the sum of 1,000,000 dollars.

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 19 day of 04, 2021

Timothy Holmes
(Signature of plaintiff or plaintiffs)

Timothy Holmes
(Print name)

20200823046
(I.D. Number)

2750 S. California ave, Chicago IL
60608

(Address)

Timothy Holmes

#20200823046

Division 4 / L1

2700 S. California Ave

Chicago IL 60606



04/29/2021-2
[Barcode]

219 S. ~~main~~ Dearborn
Chicago IL 60604

United States District Ct
Northern District of Illinois
Eastern Division

20th FL

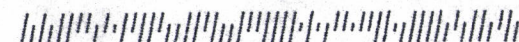


EXHIBIT 23
PR

Holmes, Timothy - 20200823046-1L